

Message Text

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ACTION DLOS-06

INFO OCT-01 EA-07 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /122 W

----- 028367

P R 050930Z AUG 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC PRIORITY 4187

USUN NEW YORK PRIORITY 702

INFO AMEMBASSY BANGKOK

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

AMEMBASSY TOKYO

LIMITED OFFICIAL USE SECTION 1 OF 2 KUALA LUMPUR 4488

E.O. 11652: N/A

TAGS: PLOS, MY

SUBJECT: LOS--GOM REACTION TO OIL SPILL FROM HOLED PHILIPPINE TANKER
IN

MALACCA STRAIT

1. SUMMARY. FOUR MALAYSIAN MINISTER'S HAVE COMMENTED PUBLICLY ON
NEED FOR FULL COMPENSATION TO COASTAL STATES FOR DAMAGE RESULTING
FROM OIL SPILLS SUCH AS THE ONE THAT IS AFFECTING JOHORE COAST
FOLLOWING HOLING OF "DIEGO SILANG" JULY 24. LATEST WAS
COMMUNICATIONS MINISTER MANICKAVASAGAM WHO STATED AUGUST 4 THAT
GOM WOULD SOON CONVENE MEETING OF TANKER OWNERS AND OIL COMPANIES
USING MALACCA STRAITS TO DISCUSS DETAILS OF COMPENSATORY SCHEME
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AND CONTRIBUTIONS TO TRAFFIC SEPARATION SCHEME. SUBJECT ALSO

TREATED JULY 30 BY FOREIGN MINISTER RITHAUDDEEN, ENVIRONMENT MINISTER ONG, AND LAW MINISTER/ATTORNEY GENERAL KADIR, WHO IS LEADING MALAYSIAN DELEGATION TO THIRD LOS CONFERENCE. IN HIS REMARKS, KADIR REPORTEDLY STATED GOM WILL PRESS FOR STRICT LIABILITY REQUIREMENTS ON SHIP OWNERS AND GOVERNMENTS BUT IS PREPARED CONSULT IMCO BEFORE IMPOSING TRAFFIC SEPARATION SCHEME. EMBASSY BELIEVES IT WOULD BE USEFUL TO REPEAT TO KADIR OUR WILLINGNESS TO BACK ANY REASONABLE SCHEME IF PRESENTED THROUGH INTERNATIONAL BODY. END SUMMARY.

2. PHILIPPINE TANKER "DIEGO SILANG" WAS HOLED JULY 24 IN A THREE SHIP COLLISION ABOUT 14 STATUTE MILES SOUTH OF BATU PAHAS (1 DEG 51 MIN NORTH; 102 DEG 56 MIN EAST) IN JOHORE STATE. KUALA LUMPUR "NEW STRAITS TIMES" (NST) QUOTES ROYAL MALAYSIAN NAVY CHIEF OF STAFF RADM DATUK K. THANABALASINGAM AS SAYING YESTERDAY THAT OFFLOADING OF INTACT TANKS WAS COMPLETED AUGUST 4 AND "DIEGO SILANG" SAILED FOR SINGAPORE THAT AFTERNOON. THANA ALSO TOLD REPORTERS THAT THE RMN HAD USED "VIRTUALLY EVERY AVAILABLE SHIP" TO COMBAT THE SPILL OF AN ESTIMATED 6,000 TONS OF OIL WHICH SPREAD ACROSS 450 TO 500 SQUARE MILES ALONG THE MALAYSIAN COAST ALMOST TO MALACCA (2 DEG 12 MIN NORTH; 102 DEG 15 MIN EAST). HE DESCRIBED THE INCIDENT AS A DISASTER WITH CONSIDERABLE DANGER TO MARINE AND PLANT LIFE (AREA IS IMPORTANT FISHING ZONE FOR JOHORE), NOTED THAT OIL HAD GONE UP THE MUAR RIVER AND IS TRAPPED IN MANGROVE SWAMPS OFF THE JOHORE COAST, AND STRESSED THAT A TRAFFIC SEPARATION SCHEME SHOULD BE IMPLEMENTED IN THE STRAIT SOON TO AVOID ANOTHER COLLISION.

3. MALAYSIAN PAPERS AUGUST 5 ALSO GAVE HEADLINE TREATMENT TO STATEMENT BY COMMUNICATIONS MINISTER TAN SRI. V. MANICKAVASAGAM THAT GOM IS CONSIDERING IMPOSING A LEVY ON TANKERS TRANSITING THE STRAIT AS A MEANS OF OFFSETTING EXPENSE OF COMBATING SPILLS AND COMPENSATION OF ECOLOGICAL DAMAGE. MANICKA POINTED OUT THAT ABOUT 50 FULLY LOADED TANKERS IN THE 150 TO 200 THOUSAND DWT RANGE TRANSIT THE STRAIT EVERY MONTH AND, WHILE OWNERS AND OPERATORS FORM "INSURANCE CLUBS" TO PROTECT THEMSELVES AGAINST DAMAGE CLAIMS, THE SYSTEM DOES NOT SATISFACTORILY MEET THE NEEDS OF AN AGGRIEVED STATE. HIS MINISTRY, MANICKA STATED, IS LOOKING LIMITED OFFICIAL USE

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INTO VARIOUS COMPENSATORY SCHEMES THAT WOULD MEET THESE NEEDS INCLUDING IMPOSITION OF A USERS LEVY AND WILL SOON INVITE ORGANIZATIONS WHICH REPRESENT TANKER OWNERS AND OIL COMPANIES WHO USE THE STRAIT TO MEET TO DISCUSS DETAILS OF A SUITABLE COMPENSATORY SCHEME AND CONTRIBUTIONS TO A TRAFFIC SEPARATION SCHEME.

4. SERIOUSNESS WITH WHICH GOM TAKES PROBLEM OF STRAITS POLLUTION

UNDERScored BY RECENT STATEMENTS MADE ON SUBJECT BY THREE
OTHER CABINET MINISTERS: LOS DELEGATION CHIEF LAW MINISTER/
ATTORNEY GENERAL TAN SRI KADIR YUSOF, FOREIGN MINISTER TENGKU
DATU AHMAD RITHAUDDEEN, AND SCIENCE, TECHNOLOGY AND
ENVIRONMENT MINISTER TAN SRI ONG KEE HUI. IN A MEETING WITH
NEWSMEN PRIOR TO LEAVING FOR NEW YORK JULY 30, KADIR REPORTEDLY
STATED THAT MALAYSIA WOULD PRESS FOR STRICT LIABILITY FOR
OWNERS AND GOVERNMENTS WHOSE SHIPS CAUSE POLLUTION IN THE
STRAITS. CLAIMING THAT UNTIL NOW MALAYSIAN CLAIMS FOR
DAMAGE CAUSED BY THE GROUNDING OF THE "SHOWA MURU" OFF
SINGAPORE ON JAN 6, 1975, HAVE NOT BEEN SETTLED, THE AG
COMPLAINED THAT THE JAPANESE GOVT HAD DISAVOWED
RESPONSIBILITY FOR DAMAGE DONE BY THE SPILL. ALTHOUGH
MALAYSIA HAS AGREED TO "TRANSIT PASSAGE FOR ALL SHIPS" THROUGH
THE MALACCA STRAIT HE IS QUOTED AS SAYING, THERE ALSO SHOULD
BE PROVISIONS TO SAFEGUARD NATIONAL SECURITY, ECONOMIC
INTERESTS AND THE MARINE ENVIRONMENT. MALAYSIA IS PREPARED
TO CONSULT WITH IMCO BEFORE PASSING REGULATIONS FOR TRAFFIC
IN THE STRAITS, BUT MARITIME STATES SHOULD CONTRIBUTE
TO THE COST OF MAKING THE MALACCA STRAIT SAFE FOR NAVIGATION.

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ACTION DLOS-06

INFO OCT-01 EA-07 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

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NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /122 W

----- 028268

P R 050930Z AUG 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC PRIORITY 4188

USUN NEW YORK PRIORITY 703

INFO AMEMBASSY BANGKOK

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5. TENGKU RITHAUDDEEN, THE SAME DAY, REPORTEDLY SAID THAT THERE IS AN URGENT NEED FOR PROPER MEASURES TO BE ADOPTED AND ENFORCED TO ENSURE SAFETY OF NAVIGATION IN THE STRAIT. HE CALLED FOR RAPID IMPLEMENTATION OF THE TRAFFIC SEPARATION SCHEME WORKED OUT BY SINGAPORE, INDONESIA AND MALAYSIA (BUT REPORTEDLY HUNG UP ON DEPTH OF UNDERKEEL DRAFT REQUIREMENTS). TAN SRI ONG SAID THAT, ACCORDING TO THE JULY 30 NST, HIS MINISTRY'S SECRETARY GENERAL HASHIM BIN SAM ABDUL LATIFF, A DELEGATE TO THE THIRD LOS CONFERENCE, WOULD INSIST ON "SOME DEGREE" OF PROHIBITION (SIC) ON STRAITS PASSAGE TO PROTECT MALAYSIA'S COASTLINE.

6. COMMENT. THE DAMAGE TO MALAYSIA'S FISHERIES AND
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COASTLINE FROM THE "DIEGO SILANG" SPILLAGE WILL BE FAR GREATER THAN FROM THE "SHOWA MURA" AND "NICHIHARU MARU" (JULY 1975) INCIDENTS BECAUSE OF THE LOCATION OF THE COLLISION. TWO YEARS AGO THE MALAYSIAN'S HAD MADE LITERALLY NO PREPARATIONS TO DEAL WITH AN ECOLOGICAL DISASTER IN THE STRAIT AND, UNFORTUNATELY, HAVE MOVED VERY SLOWLY TO OBTAIN THE NECESSARY EQUIPMENT SINCE THAT TIME. HOWEVER, THE NAVY MOVED IN WITH GREAT ENERGY ON JULY 24 AND, THROUGH USE OF DETERGENTS, SEEMS TO HAVE LIMITED THE SPREAD OF OIL SLICKS TO A CERTAIN DEGREE. THE QUESTION IN THE GOM'S MIND, HEIGHTENED BY THE RECENT CONSIDERATION OF INCREASED BUDGETS FOR DEVELOPMENT AND SECURITY, IS WHO IS GOING TO PAY FOR THE EXTRA EFFORT AND FOR THE LOSS OF CATCHES AND DAMAGE TO THE SHORE LINE. KADIR'S STATEMENT OF WILLINGNESS TO CLEAR A STRAITS TRAFFIC SCHEME WITH IMCO SEEMS SIGNIFICANT AS THE GOM HAS DRAGGED ITS FEET ON THIS POINT IN THE PAST.

7. ACTION. THIS WOULD BE A GOOD TIME FOR THE U.S. DELEGATION TO THE LOS CONFERENCE TO REITERATE OUR WILLINGNESS TO SUPPORT MALAYSIA IN OBTAINING IMCO APPROVAL FOR A SCHEME THAT WILL MEET THE GOM'S NEEDS.
UNDERHILL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PETROLEUM INDUSTRY, OIL SPILLS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976KUALA04488
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760303-0435
From: KUALA LUMPUR
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760881/aaaactjs.tel
Line Count: 217
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by greeneet>; APPROVED <22 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS--GOM REACTION TO OIL SPILL FROM HOLED PHILIPPINE TANKER IN MALACCA STRAIT
TAGS: PLOS, EWWT, ENRG, MY
To: STATE USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006